

**USA VIDEO RELAY, INC.**

November 5, 2004

South Carolina Public Service Commission  
101 Executive Center Drive, Suite 100  
Columbia, SC 29210

Dear Commissioners,

Please accept the attached application for certification to provide Video Relay Services under Title IV of the Americans with Disabilities Act. Our application includes all necessary documentation for your review to approve our request.

The services proposed will not cost the taxpayers of South Carolina anything, all services are reimbursed by the Interstate Relay Fund administered by the National Exchange Carriers Association. The proposed services by USA Video Relay, Inc. will add to the job growth and economic development of the state while making advanced telecommunications relay services more available for Deaf and Hard of Hearing citizens.

I would appreciate your consideration in this matter and would welcome your questions. Please feel free to contact me at 843-763-3890 Voice or 843-763-3944 TTY.

Sincerely,

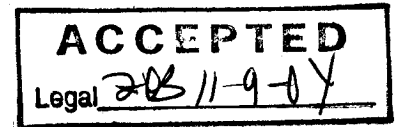


Daryl Crouse, CI, CT  
President

925 Wappoo Road,  
Suite C  
Charleston, SC 29407

843-763-3890 Voice  
843-763-3944 TTY

RECEIVED  
2004 NOV -3 AM 8:56  
COMMUNICATIONS  
SECTION



**BEFORE THE**  
**PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**

APPLICATION OF USA VIDEO RELAY, INC )  
FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY TO )  
PROVIDE VIDEO RELAY SERVICES UNDER TITLE IV )  
OF THE AMERICANS WITH DISABILITIES ACT )

DOCKET NO. 2004-320C

USA Video Relay, Inc. (Applicant) pursuant to S.C. Code Ann. §58-9-280(B), as amended, and Section 253 of the Telecommunications Act of 1996, respectfully submits this Application for Authority to Provide Video Relay Services under Title IV of the Americans with Disabilities Act within the State of South Carolina. In addition, Applicant requests that the Commission regulate its local telecommunications services in accordance with the principles and procedures established for flexible regulation in Order No. 98-165 in Docket No. 97-467-C. Pursuant to S.C. Code Ann. §58-9-585 and the general regulatory authority of the Commission, the Applicant also requests that the Commission regulate its long distance service offerings as described below in accordance with the principles and procedures established for alternative regulation in Orders No. 95-1734 and 96-55 in Docket No. 95-661-C, and as modified by Order No. 2001-997 in Docket No. 2000-407-C.

Applicant proposes to offer Video Relay Services (VRS), VRS allows a telecommunications relay services (TRS) user with a hearing and/or speech disability who uses American Sign Language (ASL) to communicate with a voice telephone user through video equipment installed at either the premises of the person with the disability or another appropriate location and at the relay center. A customer initiates a VRS call utilizing high speed access and a video camera to the Video Interpreting Operator (VIO) center. Once the connection is made between the caller and the center, the caller uses ASL to state his or her intent to place an outgoing call. An outgoing voice connection is made to the intended receiver over traditional telephone lines. After the connection, the parties then communicate through a qualified interpreter at the VIO center. Federal Communications Commission (FCC or Commission) rules require that VRS communications assistants (CAs) be qualified interpreters, defined as being able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

Applicant intends to provide VRS pursuant to current FCC Regulations for the Provision of Telecommunications Relay Services (TRS) pursuant to Title IV of the Americans with Disabilities Act (ADA), Pub. L. No. 101-336, § 401, 104 Stat.327, 366-69 (adding Section 225 to the Communications Act of 1934, as amended, 47 U.S.C. § 225.

Applicant also proposes to be reimbursed by the Interstate TRS Fund, which is administered by the TRS Fund Administrator, currently National Exchange Carriers Association (NECA). The fund administrator uses these funds to compensate “eligible” TRS providers for the costs of providing the various forms of TRS, including VRS.

All services are available twenty-four (24) hours per day, seven (7) days a week. The Applicant will commence offering service following the granting of this application.

Approval of this application will promote the public interest by increasing the availability of Video Relay Service to Deaf and Hard of Hearing citizens within South Carolina. This increase in availability will allow Deaf and Hard of Hearing citizens to become more effective employees of businesses and enable the person to benefit via improved telephone functionality.

In support of this Application, Applicant respectfully states as follows:

**1. The name and address of the Applicant are:**

USA Video Relay, Inc.  
925 Wappoo Road, Suite C  
Charleston, SC 29407  
843-763-3890 Voice  
843-763-3944 TTY  
843-571-6325 Fax

**2. All correspondence, notices, inquiries and other communications regarding this application should be sent to:**

Daryl Crouse  
925 Wappoo Road, Suite C  
Charleston, SC 29407  
843-763-3890 Voice  
843-763-3944 TTY  
843-571-6325 Fax

customerservice@usavideorelay.com

**3. Contact person regarding ongoing operations of the Company is:**

Daryl Crouse  
925 Wappoo Road, Suite C  
Charleston, SC 29407  
843-763-3890 Voice  
843-763-3944 TTY  
843-571-6325 Fax  
customerservice@usavideorelay.com

**4. Description of Applicant**

Applicant is a private corporation that was incorporated in the state of South Carolina on July, 2004. Certificates of Incorporation and Authority to Transact Business in the State of South Carolina are attached hereto as Exhibit A.

**5. Officers and Directors and Legal Counsel**

Daryl Crouse, President

**6. Customer Service**

Applicant understands the importance of effective customer service for Video Relay Service consumers. Applicant has made arrangements for its customers to call the Company at its toll-free customer service number, 888-705-0373. In addition, Customers may contact the Company in writing at the headquarters address and via e-mail at customerservice@usavideorelay.com. The toll-free number will be printed on any communication with the consumer and on the Applicant's website.

**7. Financial Ability**

Applicant has sufficient financial resources to operate in South Carolina. In support of the Company's financial ability to provide the proposed services, the Applicant offers its financial statements in Exhibit B.

**8. Managerial and Technical Ability**

Exhibit C contains a brief overview of the managerial experience of Applicant. The Company has the managerial experience in the telecommunications industry that will allow it to be a successful Video Relay Service provider.

**9. Proposed Service Territory**

Applicant proposes to offer Video Relay Service. Video Relay Service will be offered over the Internet.

**10. Public Interest and Need**

Approval of this application will serve the public interest and offer several benefits to consumers in South Carolina. First and foremost, Applicant will offer its Customers the ability to have seamless service for Video Relay Service.

The granting of Applicant's application is consistent with S.C. Code Ann. §58-9-280(B), as amended by 1996 Act No. 354, and, in that regarding Applicant makes the following representations to the Commission:

- A. Applicant possesses the technical, financial, and managerial resources sufficient to provide the services requested;
- B. The provision of Video Relay Service by Applicant will not adversely impact the availability of affordable local exchange service;
- C. Applicant's Video Relay Service will meet the service standards required by the Commission;
- D. Applicant, to the extent it is required to do so by the Commission, will participate in the support of universally available telephone service at affordable rates; and,
- E. The provision of Video Relay Service by Applicant will not adversely impact the public interest.

Applicant's entry into the Video Relay Service market will not disadvantage any telephone service providers. Incumbent LEC's are presently serving nearly all of the local exchange customers in South Carolina. The history of telecommunications competition has demonstrated that as new entrants improved the price performance of service, consumers benefited from a wider choice of service and options. The resulting increased service offerings that competitive pressures brought to the market stimulated demand, resulting in growing revenues for both new entrants and established firms. Applicant expects that this same phenomena to affect Video Relay Service over time, thus creating a larger market for all carriers. Therefore, the approval of Applicant's application is clearly in the public interest.

**11. Waivers and Regulatory Compliance**

Applicant requests that the Commission grant it a waiver of those regulatory requirements inapplicable to competitive local service providers. Such rules are not appropriate for competitive providers and constitute an economic barrier to entry into the local exchange market.

- A. Applicant requests that it be exempt from any financial recording rules or regulations that require a carrier to maintain its financial records in conformance with the Uniform System of

Accounts ("USOA"). As a competitive provider, Applicant currently maintains its books and records in accordance with Generally Accepted Accounting Principles ("GAAP"). GAAP is used extensively by interexchange carriers. Since Applicant utilizes GAAP, the Commission will have a reliable method by which to evaluate Applicant's operations. Therefore, Applicant requests to be exempt from any and all USOA requirements of the Commission.

- B. In addition, Applicant requests a waiver of S.C. Reg. 103-610, and to be allowed to maintain its books and records at its headquarters location in Charleston, South Carolina. In the event that the Commission finds it necessary to review Applicant's books, this information will be provided upon request to the Commission or Applicant will bear the expense of travel for the Commission staff to examine the books and records located outside of South Carolina.
- C. Applicant requests that it not be required to publish local exchange directories. Applicant will make arrangements with the incumbent LECs whereby the names of Applicant's Customers if applicable will be included in the directories published by the incumbent LECs. These directories will be distributed to Applicant's Customers. This approach is entirely reasonable and will have a direct benefit to the customers of both Applicant and the incumbent LECs since customers will have to refer to only one directory for a universal listing of customer information. It would be an unnecessary burden on the Applicant to require that it publish and distribute its own directory to all customers located within each exchange area, particularly since nearly all of these customers will be customers of the incumbent LECs. It is more efficient for Applicant to simply include its Customer list in the existing directories of the incumbent LECs.
- D. Applicant finally requests waivers of any reporting requirements which are not applicable to competitive providers such as Applicant because such requirements (a) are not consistent with the demands of the competitive market; or (b) they constitute an undue burden on a competitive provider, thereby requiring an ineffective allocation of resources.

Applicant reserves the right to seek any regulatory waivers which may be required for Applicant to compete effectively within the states' local exchange and resale market.

## **12. Flexible Regulation of Local Exchange Services**

In Docket Number 97-467-C, the Commission approved a rate structure that incorporated maximum rate levels with the flexibility for adjustment below the maximum rate levels. The Commission determined that local tariff filings would be presumed valid upon filing, subject to the Commission's right within thirty days to institute an investigation of a tariff filing and that any such tariff filings would be subject to the same monitoring process as similarly situated competitive local exchange carriers. Applicant submits that as a local exchange competitor it should be subject to regulatory constraints no greater than those imposed in the above mentioned docket. The Applicant requests that its local exchange service tariff filings be regulated under this form of flexible regulation.

## **13. Alternative Regulation of Business Service Offerings**

In Docket No. 95-661-C in response to a Petition for Alternative Regulation by AT&T

Communications of the Southern States, the Commission determined that there was sufficient competition in the market for interexchange telecommunication services to justify a relaxation in the manner in which AT&T was regulated. The Commission determined that AT&T was not required to file maximum rates for long distance business service offerings and that its tariffs be presumed valid upon filing, subject to the Commission's right within seven days to institute an investigation of the tariff filing. Applicant submits that as a competitor of AT&T in the market for providing telecommunication services to customers, it should be subject to no regulatory constraints greater than those imposed on AT&T. Applicant requests that its interexchange business services offerings described in its proposed tariff be regulated under this form of relaxed regulation.

This Application demonstrates that Applicant has the technical, financial and managerial resources to provide Video Relay Service within South Carolina. The granting of this Application will promote the public interest by increasing the availability of Video Relay Service to consumers in the state.

Approval of the Application of USA Video Relay, Inc. will serve the public interest by offering consumers throughout the State of South Carolina a meaningful quality service option. Approval of this Application will also benefit consumers by creating greater competition in the Video Relay Service market. Competition in the telecommunications marketplace inspires innovation and development of services that meet customer needs cost effectively.

Wherefore, Applicant respectfully petitions this Commission for authority to operate as a Video Relay provider in the State of South Carolina in accordance with this Application, for flexible regulatory treatment of its local exchange services, for alternative regulation of its long distance business service offerings, and for such other relief as it deems necessary and appropriate.

*USA Video Relay, Inc..*

By



Daryl Crouse  
925 Wappoo Road, Suite C  
Charleston, SC 29407

Friday, November 05, 2004

**Applicant**  
**SCHEDULE OF EXHIBITS**

<b>Exhibit A</b>	<b>Articles of Incorporation/ Certificate of Authority</b>
<b>Exhibit B</b>	<b>Financial Statements</b>
<b>Exhibit C</b>	<b>Resume of Key Employees</b>



**USA Video Relay, Inc.**

**EXHIBIT A**

**South Carolina Certificate of Authority**

**Articles of Incorporation**

ERTIFIED TO BE A TRUE AND CORNE  
AS TAKEN FROM AND COMPARED WITH THE  
ORIGINAL. ON FILE IN THIS OFFICE

AUG 05 2004

STATE OF SOUTH CAROLINA  
SECRETARY OF STATE

FILED

AUG 05 2004

ARTICLES OF INCORPORATION

Mark Hammond  
SECRETARY OF STATE 4

Mark Hammond  
SECRETARY OF STATE OF SOUTH CAROLINA  
FOR PRINT CLEARLY IN BLACK INK

1. The name of the proposed corporation is USA Video Relay, Inc.
2. The initial registered office of the corporation is 925 Wappoo Road, Suite C  
Street Address
- |                   |                   |                       |              |
|-------------------|-------------------|-----------------------|--------------|
| <u>Charleston</u> | <u>Charleston</u> | <u>South Carolina</u> | <u>29407</u> |
| City              | County            | State                 | Zip Code     |

and the initial registered agent at such address is Daryl Crouse  
Print Name

I hereby consent to the appointment as registered agent of the corporation:

Daryl Crouse  
Agent's Signature

3. The corporation is authorized to issue shares of stock as follows. Complete "a" or "b", whichever is applicable:

a. ☒ The corporation is authorized to issue a single class of shares, the total number of shares authorized is 2,000.

b. ☐ The corporation is authorized to issue more than one class of shares:

Class of Shares	Authorized No. of Each Class
_____	_____
_____	_____
_____	_____

The relative right, preference, and limitations of the shares of each class, and of each series within a class, are as follows:

4. The existence of the corporation shall begin as of the filing date with the Secretary of State unless a delayed date is indicated (See Section 33-1-230(b) of the 1976 South Carolina Code of Laws, as amended) \_\_\_\_\_

5. The optional provisions, which the corporation elects to include in the articles of incorporation, are as follows (See the applicable provisions of Sections 33-2-102, 35-2-105, and 35-2-221 of the 1976 South Carolina Code of Laws, as amended).

6. The name, address, and signature of each incorporator is as follows (only one is required):

a. Business Filings Incorporated, Incorporator Mark Schiff, AVP

Name

8025 Excelsior Dr., Suite 200, Madison, WI 53717

Address

Signature

*Mark Schiff*

b.

Name

Address

Signature

c.

Name

Address

Signature

7. I, CHARLES E. McDONALD JR., an attorney licensed to practice in the state of South Carolina, certify that the corporation, to whose articles of incorporation this certificate is attached, has complied with the requirements of Chapter 2, Title 33 of the 1976 South Carolina Code of Laws, as amended, relating to the articles of incorporation.

Date

4 <sup>Aug</sup>  
28th day of July, 2004

Signature

*Charles E. McDonald Jr.*

Type or Print Name

CHARLES E. McDONALD JR.

Address

Box 2048

GREENVILLE SC 29602

Telephone Number

864-240-3305

**USA Video Relay, Inc.**

**EXHIBIT B**

**Financial Statements**

9:02 AM  
07/28/04  
Accrual Basis

**USA Video Relay, Inc.**  
**Balance Sheet**  
**As of July 28, 2004**

	<u>Jul 28, 04</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
<b>Checking Account</b>	<u>5,000.00</u>
<b>Total Checking/Savings</b>	<u>5,000.00</u>
<b>Total Current Assets</b>	<u>5,000.00</u>
<b>TOTAL ASSETS</b>	<u><b>5,000.00</b></u>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Equity</b>	
<b>Opening Bal Equity</b>	<u>5,000.00</u>
<b>Total Equity</b>	<u>5,000.00</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><b>5,000.00</b></u>

**USA Video Relay, Inc.**

**EXHIBIT C**

**Resume of Key Employee**



***Daryl Crouse, CI, CT***  
***President***

Communication Access Network, Inc.  
Headquarters  
925 Wappoo Road, Suite C  
Charleston, South Carolina 29407

**Education**

**East Carolina University, Greenville, North Carolina**  
Bachelor of Science Degree – Business Administration, December 1994  
Minor – Sign Language Interpretation

**Work Experience**

**Communication Access Network, South Carolina**  
**President**

February 1997 - Present

Provide top level management, policy and resource administration for the company. Provide verbal and written communication including employee recognition, procedure dissemination, and contract negotiations. Provide long-term planning and implementation of both direct service and new service line offerings.

**State of South Carolina, Charleston, South Carolina**  
**Sign Language Interpreter**

January 1995 – January 1997

Provided Interpreting services to a variety of clients and consumers, including Government, Legal, Medical, Vocational and Educational settings. Provided interim management for billing and operations in the absence of Center Director.

**Volunteer Work**

**Registry of Interpreters for the Deaf, Inc.**

Video Interpreting Standards Committee Chairperson – Participate and lead monthly meetings to gather, analyze and compile industry standard practices related to video based interpretation services. Report to National Board the work done by the committee and present committee resolutions to the membership during the national conference.

**Statewide Advisory Board – Postsecondary Education Consortium, Spartanburg, South Carolina**  
Board Member – Participate in quarterly meetings to advise Public colleges and universities on best practices for providing accessibility to deaf/hard of hearing students.

## Confidential and Proprietary

### **Lowcountry Chapter of the Deaf, Charleston, South Carolina**

Secretary – Maintained and recorded chapter meetings; completed monthly newsletter mailing and reported chapter news to State affiliate.

### **Southeast Area Chapter of SC Registry of Interpreters for the Deaf, Charleston, South Carolina**

President – Performed affiliate chapter leadership and reporting duties to establish and maintain a local chapter of the State professional association. Implemented a monthly mentorship program utilizing local resources to introduce various skill development topics.

### **South Carolina Registry of Interpreters for the Deaf, South Carolina**

Newsletter Editor – Maintained and recorded board meetings; completed monthly newsletter mailing and reported chapter news to membership.

### **The Freedom Fund, Inc, Charleston, South Carolina**

Founder and Co-Chair - Founded the 501c3 non-profit organization, Freedom Fund, Inc. Including successful application for trademark, state and federal 501c3 designation filings, writing two grant applications to the City of Charleston. Additionally, leading a team of twenty-five (25) volunteers, along with the Co-Chair, to produce “The Freedom Party”, an annual dance party event which drew one thousand (1000) attendees; a majority tourists, to raise money for local Gay and Lesbian service organizations.

### **The Loop, Charleston, South Carolina**

Founder and Editor – Founded the non-profit organization, The Loop, Inc. The organization reported, wrote and delivered a monthly 20 page outside color page newspaper focusing on GLBT issues with a statewide distribution of 5000 copies. The founding included state and federal non-profit and corporate filings, identifying and organizing a team of ten (10) volunteers to perform various duties including journalistic reporting, business and advertising management, design and layout and most importantly distribution of a free newspaper.

## **Awards**

### **Community Service Award**

Lowcountry Chapter of the Deaf, Charleston, South Carolina

### **Interpreter of the Year**

South Carolina Registry of Interpreters for the Deaf

### **Outstanding Service Provider of the Year**

South Carolina Registry of Interpreters for the Deaf

### **Outstanding Service on a National Committee**

Registry of Interpreters for the Deaf

## **Special Skills**

Daryl Crouse is especially skilled in the following areas:

*Interpretation Services* – Educational and Technology topical areas



## **Confidential and Proprietary**

*Computer and Technology* – Windows Server 2000/2003, Microsoft Office, Website Development, Video Conferencing Equipment including Polycom, Tandberg, Netmeeting, C-Phone, Motion Media and Logitech.

*Federal and State Legislation* – Americans with Disabilities Act of 1990, Rehabilitation Act of 1973 as re-authorized, Incorporation Law & Trademark Law

*Federal and State Procurement* – In-depth understanding of Federal Acquisition Regulations (FAR) and several State procurement systems including the Request for Proposal (RFP), Request for Quote (RFQ) and Request for Information (RFI) processes.

### **Noted Speaking Engagements**

**Defense Finance and Accounting Service, October 2004, Charleston, South Carolina**

**Keynote Speaker** – Presented an original concept of Abilities Intelligence (AQ) to fifty (50) Federal managers and employees during the Disabilities Awareness Month program.